

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
) 09 CV 3584 (RJD)(MJM)
)
v.)
)
DYNASTY VI FOOD CORP., DYNASTY)
MEAT CORP., and 50-18 MEAT CORP.,)
d/b/a KEY FOOD SUPERMARKETS)
)
Defendants.)
-----x

CONSENT DECREE

This action was initiated on August 19, 2009 by Plaintiff Equal Employment Opportunity Commission (“EEOC”), an agency of the United States Government, alleging that Defendants Dynasty VI Food Corp., Dynasty Meat Corp. and 50-18 Meat Corp., doing business collectively as Key Foods Supermarkets (collectively “Defendants”) violated Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. §§ 2000e and the Civil Rights Act of 1991, 42 U.S.C. § 1991A. EEOC alleged that Defendants engaged in unlawful discrimination against Nataliya Goines and a group of female applicants and employees by unlawfully segregating job assignments and denying women employment opportunities because of their sex. Specifically, EEOC alleged that Defendants excluded women from stocker positions in Defendants’ Grocery, Produce, Freezer, Dairy, Bakery, and Deli departments, refused to hire women for those positions, and segregated them into cashier positions. EEOC also alleged that Defendants unlawfully failed to make, keep, and preserve employment records relevant to the determination

of whether unlawful employment activities were being committed in the hiring and placement of female applicants and employees, as required under Title VII.

Defendants deny that they failed to hire women based on their gender or that they segregated women into cashier positions on the basis of their sex.

EEOC and Defendants (“the parties”) desire to settle this action, and therefore stipulate to entry of this Decree as final and binding between the parties and Defendants’ successors, assigns, subsidiaries, affiliates, purchasers, and any other corporation or entity into which Defendants may merge or with which Defendants may consolidate. Before any merger, sale, consolidation, transfer of ownership or corporate reorganization, Defendants will provide written notice of this lawsuit, together with a copy of the Complaint and this Decree, to any potential purchaser of Defendants’ business, or purchaser of all or a portion of Defendants’ assets, and any other potential purchaser, successor, assign, corporation or entity with which Defendants may merge or consolidate. Defendants will provide written notice to EEOC seven days before any sale, assignment, succession, acquisition, merger or consolidation affecting Defendants.

Each Defendant is obligated to undertake the actions specified in this Decree and the provisions of this Decree apply to each Defendant.

This Decree represents the full and complete agreement of the parties. The parties have agreed that this Decree may be entered into without Findings of Fact and Conclusions of Law having been made and entered by the Court.

In consideration of the mutual promises of each party to this Decree, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds appropriate, and it is therefore ORDERED, ADJUDGED AND DECREED that:

A. GENERAL PROVISIONS

1. This Decree resolves all issues in EEOC Charge Number 520-2006-02170 and EEOC's Complaint in this case. This Decree does not resolve any charge of discrimination currently pending before EEOC, or any charge that may be filed in the future, other than the charge listed above. EEOC reserves all rights to proceed regarding matters not covered in this Decree.

2. The parties agree and the Court finds that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met.

3. Defendants will not contest the validity of this Decree.

4. Defendants will not contest the jurisdiction of the Court to enforce this Decree.

B. INJUNCTIONS AGAINST SEX DISCRIMINATION AND RETALIATION

5. Defendants are enjoined from discriminating against any individual because of that individual's sex, including segregating job positions by sex and failing to hire women for available positions because of their sex.

6. Defendants are enjoined from discriminating or retaliating against Nataliya Goines or Ruth Zadeh for asserting their rights under Title VII or otherwise engaging in protected activity, and are further enjoined from retaliating against any individual who in the future complains of discrimination, opposes discrimination, files a charge of discrimination, or gives testimony or assistance concerning any allegation of discrimination under Title VII.

C. APPOINTMENT OF EQUAL EMPLOYMENT OFFICER

7. Within 14 days of entry of this Decree, Defendants will appoint Michael A. Miranda and Maurizio Savoiardo of Miranda Sambursky Slone Sklarin Verveniotis LLP, to serve as Equal Employment Officer. The Equal Employment Officer will have responsibility for:

- a. promoting Defendants' compliance with anti-discrimination laws, Defendants' Equal Employment Opportunity Policy, and this Decree;
- b. overseeing recruiting and hiring of women for employment in non-cashier positions and working with Defendants to make the required reporting to EEOC as discussed below;
- c. ensuring all training required by this Decree is conducted;
- d. ensuring that all notices and postings required by this Decree are issued and maintained as required by this Decree;
- e. receiving, investigating and preparing a report on complaints of sex discrimination with respect to hiring or job assignment;
- f. ensuring that investigations are done in a manner that complies with federal anti-discrimination laws and this Decree, and that complaints of sex discrimination are resolved in a manner that complies with federal anti-discrimination laws and this Decree;
- g. maintaining records required by Title VII, federal regulations, and this Decree and forwarding reports and records to EEOC as required by this Decree under paragraph numbers 12, 15, 19, 21, 22, 23, 24, 25, 26, 27, 28, 33, 41 and 42.

8. Defendants will pay all costs, fees and expenses of the Equal Employment Officer.

9. If the persons appointed as Equal Employment Officer cease to act as Equal Employment Officer for any reason, Defendants will provide written notice to EEOC within 14 days of when Defendants become aware of the need to designate a new Equal Employment Officer, stating the reason(s) why the outgoing Officer is leaving, and the identity of a qualified

person Defendants propose to assume the role of Equal Employment Officer, for approval by EEOC. If EEOC does not approve the appointment of the Equal Employment Officer proposed by Defendants, Defendants will immediately appoint an Equal Employment Officer who meets the approval of EEOC.

10. Defendants will give their full cooperation to the Equal Employment Officer in the performance of his/her duties under this Decree. Defendants will give the Equal Employment Officer full access to Defendants' owners, officers, managers, supervisors, employees, vendors, contractors, and documents and records related to the performance of the Equal Employment Officer's responsibilities under this Decree. Defendants and its owners, officers, managers and supervisors will immediately inform the Equal Employment Officer of any complaints, allegations, reports or suspected incidents of sex discrimination or retaliation relating to failure to hire or job assignment.

D. EQUAL EMPLOYMENT OPPORTUNITY POLICY

11. Within 14 days of entry of this Decree, Defendants will adopt and maintain the Equal Employment Opportunity Policy attached as Exhibit A prohibiting discrimination on the basis of sex and prohibiting retaliation against individuals who engage in protected activity under Title VII.

12. Within 14 days of entry of this Decree, Defendants will distribute a copy of the Equal Employment Opportunity Policy attached as Exhibits A to all of their employees, and will distribute a copy to all future employees within 14 days of hire. Within 14 days of distribution, Defendants will confirm in writing to EEOC that this as been done.

E. TRAINING

13. Within 14 days of entry of this Decree, Defendants will provide all of their non-managerial employees with 2 hours of training regarding federal laws prohibiting employment discrimination, with a special emphasis on laws prohibiting sex discrimination. The training will include a discussion of the responsibility of employers to provide equal employment opportunities for women. The training will instruct employees that employers are prohibited from engaging in job segregation on the basis of sex. It will also inform employees that employers cannot discriminate against women when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. The training will also cover Defendants' Equal Employment Opportunity Policy. The initial training will be conducted in person by the Equal Employment Officer and will cover the topics included in Exhibit B.¹ Subsequent trainings may be presented via videotape or DVD of the in person training. Defendants will thereafter provide new non-managerial employees with such training within 14 days of the date of hire. The training must be repeated on an annual basis for all non-managerial employees.

14. Within 14 days of entry of this Decree, Defendants will provide all of their owners, officers, managers and supervisors with 3 hours of in-person training regarding federal laws prohibiting employment discrimination, with a special emphasis on laws prohibiting sex discrimination. The training will include a discussion of the responsibility of employers to provide equal employment opportunities for women. The training will instruct owners, officers, managers and supervisors that employers are prohibited from engaging in job segregation on the basis of sex. It will also inform owners, officers, managers and supervisors that employers

¹ Individuals who are unavailable for or working during the initial training will review the training via videotape or DVD within 45 days of the initial training.

cannot discriminate against women when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. The training will cover Defendants' Equal Employment Opportunity Policy. The training will include sensitivity and diversity training, and will instruct owners, officers, managers and supervisors on how they must avoid using stereotypes about women in making employment decisions. The training will cover the need for owners, officers, managers and supervisors to exercise leadership to prevent and remedy unlawful sex discrimination. There will be substantial instruction on how to conduct the recruiting and hiring process in a lawful manner, to ensure that women are given equal employment opportunities and to ensure that Defendants do not engage in discrimination against women. The training will specifically cover the Defendants' responsibilities under this Decree. In addition, the training will cover Defendants' obligation to make and preserve appropriate records under federal law and this Decree. The initial training will be conducted in person by the Equal Employment Officer, and will cover the topics included in Exhibit C.² Individuals who are unavailable for or working during the initial training will review the training via videotape or DVD within 45 days of the initial training. Subsequent trainings may be presented via videotape or DVD of the in person training. Defendants will thereafter provide newly hired or newly promoted managers and supervisors with such training within 14 days of the date of hire or promotion. The training must be repeated on an annual basis for all owners, officers, managers and supervisors, except for Ahmad Zahriyeh who is exempted from the training.

15. Within 14 days of the completion of each group training session, Defendants will submit to EEOC sign-in sheets providing the name and date of the training and the name and job

² Managers who are unavailable for or working during the initial training will review the training via videotape or DVD within 45 days of the initial training.

title of each person who attended the training. Sign-in sheets from individual trainings will be submitted to EEOC with the next Defendants' Quarterly Report.

E. RECRUITING AND HIRING

16. Within 14 days of entry of this Decree, Defendants will endeavor to recruit and hire qualified individuals for available stocker positions without regard to sex and in compliance with federal law, and will endeavor to increase diversity in its various job positions by undertaking recruiting, hiring and analysis activities.

17. Within 14 days of entry of this Decree, Defendants will post a notice with the New York State Department of Labor to recruit women for stocker positions. Defendants will inform NYSDOL that the posting should be available throughout Brooklyn and Queens. The postings will identify the stocker position and state the method for applying. The posting will state that the positions are open to all applicants regardless of sex. It will also state: "Women are encouraged to apply for positions requiring lifting including unloading of trucks and stocking of boxes and food items."

18. Within 14 days of entry of this Decree, Defendants will add the following language to its application form above the portion of the application where the position being applied for is selected: Positions are open to all applicants regardless of sex. Women are encouraged to apply for positions requiring lifting including unloading of trucks and stocking of boxes and food items.

19. Within 14 days of posting with NYDOL, Defendants will confirm in writing to EEOC that it has posted with NYDOL and amended its application consistent with paragraph 18.

20. Defendants will exercise their best effort to hire qualified women for stocker positions that become available in any of their stores. Best effort means a reasonable and good faith effort.

21. Defendants will provide to EEOC as part of Defendants' Quarterly Report, an Excel spreadsheet identifying, for each store for the period covered by the Quarterly Report:

- a. all current employees by name, sex, position, date of hire, hourly rate, address, telephone number;
- b. all applicants for employment by name, sex, date of application, position(s) applied for, address, telephone number;
- c. all positions filled by name, sex, position, date of hire, hourly rate, address, telephone number;
- d. all employees transferred to a new position by name, sex, previous position, date of transfer, new position, reason for transfer.

F. RECORDKEEPING

22. Within 14 days of entry of this Decree, Defendants will adopt and maintain the procedures attached as Exhibit D for making, keeping, and preserving applications. The procedures will specifically assure compliance with Title VII, Section 709 (c), 42 U.S.C. 2000e-8 and 29 C.F.R. 1602.14. The procedures will also include procedures to preserve, for the duration of this Decree, all job applications and payroll reports. The documents described in Exhibit D will be made available to the EEOC within 14 days of EEOC's request to review them.

23. Within 14 days of entry of this Decree, Defendants will begin to maintain, and thereafter will continue to maintain, applications, interview notes or any other documents from the application process and will comply with Title VII, Section 709 (c), 42 U.S.C. 2000e-8 and 29 C.F.R. 1602.14.

G. NOTICES AND POSTING

24. Within 14 days of entry of this Decree, Defendants will distribute to all of their employees a memorandum from Defendants' owner Mufeed Siad, a copy of which is attached here as Exhibit E, emphasizing Defendants' commitment to abide by all federal laws prohibiting employment discrimination and segregation of job positions by sex, explaining the prohibition on sex discrimination, and committing to the appropriate maintenance of employment records.

The memorandum will also announce the appointment of the Equal Employment Officer.

Within 14 days of distribution, Defendants will confirm in writing to EEOC that this has been done.

25. Within 14 days of entry of this Decree, Defendants will post and maintain the EEOC poster in each of their facilities in conspicuous places where employee notices are posted.

Within 14 days of posting, Defendants will confirm in writing to EEOC that this has been done.

26. Within 14 days of entry of this Decree, Defendants will post and maintain a remedial Notice pursuant to this Decree, a copy of which is attached as Exhibit F, printed on EEOC letterhead, in each of their facilities in conspicuous places where employee notices are posted. Within 14 days of posting Defendants will confirm in writing to EEOC that this has been done.

27. Within 14 days of entry of this Decree, Defendants will post and maintain a copy of both their Equal Employment Opportunity Policy and Record Keeping Policy in each of their facilities in conspicuous places where employee notices are posted. Within 14 days of posting, Defendants will confirm in writing to EEOC that this has been done.

G. REPORTING ON SEX DISCRIMINATION COMPLAINTS

28. Defendants will provide to EEOC as part of Defendants' Quarterly Report a report of any complaints of sex discrimination in failure to hire or job assignment, whether those complaints are made formally or informally or orally or in writing. If Defendants receive a complaint in writing, Defendants will furnish that written complaint as part of the report to EEOC. The report, at a minimum, will contain the name of each person making the complaint, the name of each person allegedly engaging in discriminatory conduct, a summary of the steps taken during the investigation, the results of the investigation, and any disciplinary action taken.

H. MONETARY AND CLAIMANT RELIEF

29. This matter is resolved for a total of \$115,000 and the injunctive relief set forth in this Decree.

30. Defendants caused their agent to pay \$20,000 to Nataliya Goines.

31. Within 14 days of Defendants' counsel's receipt of a fully-executed release of the discrimination claims brought in this lawsuit and information and documents to comply with Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 for Ruth Zadeh, Defendants or their agent will pay \$30,000 to Zadeh. Defendants will cause a check and IRS Forms 1099 to be issued to Ruth Zadeh at 1931 Green Avenue, Queens, New York 11385 and will send a copy of the check and tax form to EEOC upon issuance.

32. Within 14 days of entry of this Decree, Defendants or their agent will deposit \$65,000 in an interest bearing escrow account to create a Claims Fund. Defendants will simultaneously provide EEOC counsel with the financial institution and account number.

33. Within 14 days of entry of this Decree, Defendants will place an advertisement in Woodside Herald newspaper for a period of three weeks. The advertisements will alert women

who applied for or were discouraged from applying for a non-cashier position from 2004 to the present that they may be eligible for monetary damages and to contact the EEOC to participate in the claims process. The advertisement will prominently display December 2, 2012 as the deadline for contacting the EEOC to obtain a Claim Form. EEOC will review and approve the content of the advertising before publication. Defendants will bear the cost of this advertising. Within 7 days of placing the advertisements, Defendants will confirm to EEOC that this was done.

34. EEOC will provide a Claim Form to individuals who respond; a deadline for returning the Form within 45 days will be prominently displayed on the Form.

35. Within 21 days of the Claim Form deadline, EEOC will notify each individual of the amount, if any, EEOC has determined she should receive from the Claim Fund. The identity and amounts to be paid to each individual is in the sole discretion of EEOC. The amount of money disbursed will not exceed the amount in the Claims Fund.

36. An individual will have 28 days from receipt of notice of her allocation from the Claim Fund to raise any objections by serving written objections on EEOC. If any such objections are raised, the Court will hold a fairness hearing before distribution of the Claim Fund.

37. If no objections are raised, EEOC will provide Defendants and their counsel with a list of names, addresses and amounts to be paid to each individual. Within 14 days of the date EEOC provides to Defendants' counsel a fully-executed release of the discrimination claims brought in this lawsuit and information and documents to comply with Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 for each individual Defendants or their agent will pay the amount indicated for that individual. Defendants will cause a check and IRS

Forms 1099 to be issued to the individual and will send a copy of the check and tax form to EEOC upon issuance.

38. If objections are raised, within 14 days of the resolution of such objections by the Court, EEOC will provide Defendants and their counsel with a list of names, addresses and amounts to be paid to each individual. Within 14 days of the date EEOC provides to Defendants' counsel a fully-executed release of the discrimination claims brought in this lawsuit and information and documents to comply with Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 for each individual, Defendants or their agent will pay the amount indicated for that individual. Defendants will cause a check and IRS Forms 1099 to be issued to the individual and will send a copy of the check and tax form to EEOC upon issuance.

39. If any funds remain in the Claims Fund, EEOC will instruct Defendants and their counsel in writing that Defendants or their agent must pay the remaining funds to a not-for-profit organization engaged in creating equal employment opportunity for women. EEOC will have the sole discretion in determining what organization will receive such funds. Within 14 days of EEOC's identification of an organization, Defendants or their agent will issue a check to the designated organization and will simultaneously send a copy of the check to EEOC.

40. The entire Claim Fund will be distributed and no portion shall revert back to Defendants.

I. MONITORING BY EEOC

41. EEOC will monitor Defendants' compliance with this Decree. Defendants will provide material required as part of Defendants' Quarterly Report on January 15, April 20, July 15, and October 15 of each year.

42. All materials required by this Decree to be sent to EEOC will be sent to:

decreemonitor.nydo@eeoc.gov or Consent Decree Monitor, EEOC, New York District Office,
33 Whitehall Street, 5th Floor – Legal Unit, New York, NY 10004.

43. In addition to the monitoring provisions set forth elsewhere in this Decree, EEOC may monitor compliance by unannounced inspection of Defendants' premises, records, and interviews with employees at reasonable times.

J. DURATION OF DECREE

44. This Decree will remain in effect for 3 years from the date of entry.

45. The Court retains jurisdiction over this action during the duration of this Decree.

46. Upon the entry of this Decree, the matter may be administratively closed, but the Court will retain jurisdiction to enforce this Decree. The Decree will not expire while any enforcement action is pending.

SO ORDERED, ADJUDGED AND DECREED on September 27, 2011.

HON. s/ Judge Dora L. Irizarry

U.S.D.J. 9/6/10 RJD
Raymond J. Dearie, U.S.D.J. DORA L. IRIZARRY

APPROVED IN FORM AND CONTENT:


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Regional Attorney

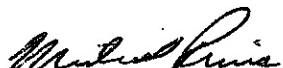

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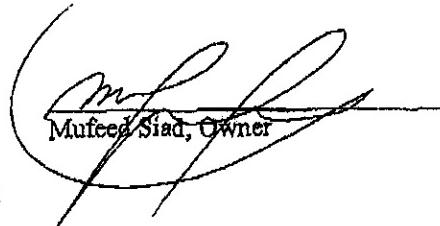
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Mufeed Siad, Owner



Ahmad Zahriyeh, Owner

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Mufeed Siad, Owner

Ahmad Zahriyeh, Owner

LIST OF EXHIBITS TO CONSENT DECREE

- Exhibit A: Equal Employment Opportunity Policy
- Exhibit B: Training Materials, All Employees
- Exhibit C: Training Materials, Owners, Officers, Managers and
- Exhibit D: Record Keeping Policy
- Exhibit E: Memorandum from Mr. Mufeed Siad
- Exhibit F: EEOC Remedial Notice

EXHIBIT A

EQUAL OPPORTUNITY POLICY

A. Statement of Purpose

We believe all employees are entitled to Equal Employment Opportunity. We do not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, age, marital status, genetic information or disability. We try to employ the best people for each position. All personnel decisions are based on merit.

B. Our Equal Opportunity Policy

Our personnel policies are based on the belief that much of our success depends primarily on YOU, our employees.

It is our policy therefore to provide you with the meaningful opportunities, which enable you to enjoy the satisfaction, and fulfillment that comes from good surroundings, good rewards and the feeling of accomplishment through work well done.

To this end, we have formally adopted the following Equal Employment Opportunity policy:

IT IS OUR GOAL TO COMPLY WITH THE REQUIREMENTS AND OBJECTIVES OF EQUAL OPPORTUNITY EMPLOYMENT AS SET FORTH IN APPLICABLE FEDERAL, STATE, LOCAL LAWS AND REGULATIONS.

IT IS OUR POLICY TO PROVIDE EQUAL OPPORTUNITY TO ALL QUALIFIED EMPLOYEES AND APPLICANTS WITHOUT REGARD TO RACE, COLOR RELIGION, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, AGE, MARITAL STATUS, GENETIC INFORMATIONOR DISABILITY.

IT IS OUR POLICY THAT THERE IS TO BE EQUAL TREATMENT OF MEN AND WOMEN IN THE TERMS, CONDITIONS OR PRIVILEGES OF EMPLOYMENT AND AN INDIVIDUAL'S GENDER IS NOT A PERMISSIBLE FACTOR FOR MAKING JOB ASSIGNMENTS. SPECIFICALLY, WE PROHIBIT AND DO NOT CONDONE JOB SEGREGRATION ON THE BASIS OF AN APPLICANT'S OR EMPLOYEE'S GENDER.

THE EFFORTS TO PROVIDE EQUAL OPPORTUNITY ENCOMPASSES ALL PHASES OF EMPLOYMENT, INCLUDING RECRUITMENT, SELECTION, ASSIGNMENT, PROMOTION, DEMOTION, TRANSFER AND LAYOFF.

SIMILARLY, ALL SALARIES, WAGES, AND OTHER BENEFITS WILL BE ADMINISTERED IN CONFORMITY WITH THIS POLICY AND APPLICABLE COLLECTIVE BARGAINING AGREEMENTS.

IT IS OUR POLICY TO HIRE INDIVIDUALS WHO ARE QUALIFIED FOR POSITIONS OF EMPLOYMENT BY VIRTUE OF JOB-RELATED STANDARDS OF EDUCATION, TRAINING AND/OR EXPERIENCE.

ANY INDIVIDUAL WHO WISHES TO MAKE A COMPLAINT OF DISCRIMINATION AND/OR HARRASSMENT SHOULD FOLLOW THE COMPLAINT PROCEDURE BELOW. ALL COMPLAINTS ARE KEPT CONFIDENTIAL TO EXTENT POSSIBLE AND CONSISTENT WITH OUR EFFORTS TO INVESTIGATE SUCH COMPLAINTS. FURTHER, WE PROHIBIT AND DO NOT RETALIATE AGAINST ANY INDIVIDUAL WHO MAKES A COMPLAINT CONCERNING DISCRIMINATION, HARRASSMENT, WORKING CONDITIONS OR ANY INDIVIDUAL WHO ENGAGES IN ANY ACTIVITY PROTECTED BY LAW.

C. Harassment

It is our policy to hold every employee responsible for assuring our work-place is free from any and all forms of harassment, whether based on race, color, religion, sex, sexual orientation, national origin, age, marital status, genetic information or disability. Since harassment interferes with the ability of employees to perform their expected job duties to the best of their ability, it cannot and will not be tolerated.

Because of our strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment including:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or other offensive nature, especially where:
 - * Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - * Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - * Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment;
2. Offensive comments, jokes, innuendo and other sexually oriented statements;

3. Sexually suggestive pictures, calendars, books, cartoons, caricatures or other printed matter, whether or not pornographic, which might reasonably be expected to offend;
4. Use of gender based stereotypes especially those concerning the type of work to be performed by women and men.

D. Complaint Procedure

If you experience any discrimination and/or harassment, in the work place, you should immediately report such conduct to Katy Kaloudis at (718) 651 9720

If the nature of your complaint concerns the segregation of your job assignment on the basis of your gender your complaint should be directed to our EEO Compliance Officer, Maurizio Savoiardo at (516) 741-7676 x322.

All complaints will be investigated promptly. In addition, special privacy safeguards will be applied in handling discrimination complaints, by which the privacy of the person making the complaint and any person accused of discrimination will be held in confidence to the greatest extent possible.

If we find evidence of discrimination and/or harassment, we will take appropriate corrective action against the offending employee, regardless of position, including disciplinary measures up to and including discharge when justified, to remedy any violation of this policy.

We strictly prohibit any form of retaliation against any person who makes a complaint under this policy, or because he or she participated in a complaint investigation.

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EXHIBIT B

EMPLOYEE TRAINING OUTLINE

INTRODUCTION OF NEW EEO COORDINATOR

INTRODUCTION TO APPLICABLE LAWS

Title VII
New York Executive Law
New York City Commission on Human Rights

- General provisions
- Protected groups under each law
- Employers subject to laws
- Employer obligations
- Policy/Goals behind law

Other Federal Laws

- Americans with Disabilities Act
- Age Discrimination in Employment Act
- Equal Pay Act
- Genetic Information Nondiscrimination Act

AGENCIES

- EEOC
- NYDHR
- NYC COMMISSION ON HUMAN RIGHTS
- Contact information
- Agency Complaints

EMPLOYMENT ISSUES

Issues Covered By These Laws

- Hiring
- Assignment
- Pay
- Terms and Conditions of Employment
- Discharge
- Constructive discharge
- Hostile work environment
- Harassment (sex, race, national origin, age, religion, etc.)
- Retaliation

Hypotheticals Using Gender Discrimination

- Is it gender/sex discrimination?
- Difference between gender/sex discrimination and sexual harassment

COMPANY POLICIES

- New EEO Policy
- New Harassment Policy
- New Document Retention Policy

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER EEO AND ANTI-HARRASSMENT POLICY

- Don't assume your employer knows if you are experiencing a problem in the work place
- If something is wrong, say something
- Cooperate with investigation
 - Participate in interview
 - Identify witness/comparators

RETALIATION

- Definition
- Employer/ Manager/Co-worker is prohibited from retaliating against you

GENDER STEREOTYPES

- Prohibited in workplace
- Define/examples

CONTACTS

EEO Complaints: Katy
Job Assignment/Failure to Hire – EEO Officer

EXHIBIT C

MANAGEMENT TRAINING OUTLINE

INTRODUCTION OF NEW EEO COORDINATOR

INTRODUCTION TO APPLICABLE LAWS

Title VII
New York Executive Law
New York City Commission on Human Rights

- General provisions
- Protected groups under each law
- Employers subject to laws
- Employer obligations
- Policy/Goals behind law
- Corporate Liability
- Personal Liability under State/City Laws

Other Federal Laws

- Americans with Disabilities Act
- Age Discrimination in Employment Act
- Equal Pay Act
- Genetic Information Nondiscrimination Act

AGENCIES

- EEOC
- NYDHR
- NYC COMMISSION ON HUMAN RIGHTS
- Contact information
- Agency Complaints
- Responding to Agency Complaints

EMPLOYMENT ISSUES

Issues Covered By These Laws

- Hiring
- Assignment
- Pay
- Terms and Conditions of Employment
- Discharge
- Constructive discharge
- Hostile work environment
- Sexual harassment
- Retaliation

Hypotheticals Using Gender Discrimination

- Is it gender/sex discrimination?
- Difference between gender/sex discrimination and sexual harassment

COMPANY POLICIES

- New EEO Policy
- New Harassment Policy
- New Document Retention Policy
 - Document Retention/Litigation hold
 - What to keep
 - How to maintain
 - Consequences

MANAGER RESPONSIBILITIES UNDER NEW POLCIES

- Awareness
- Responsiveness
- Report to appropriate individuals

EMPLOYEE COMPLAINTS/INVESTIGATIONS

- Doesn't have to be a "formal" complaint to trigger response
- Methodology
- Interviewing complainant, relevant witnesses
- Confidentiality

Hypothetical

- Example good complainant interview
- Bad complainant interview

Role play- (Volunteer) Take my complaint of gender discrimination

ANTI-RETALIATION

- Respect Rights
- Keep open mind
- Check emotional response

REMEDIAL MEASURES FOR DISRIMINATION

- Verbal warning
- Written warning
- Suspension
- Termination

GENDER STEREOTYPES

- Don't assume job preference

HIRING PRACTICES

- Do's and Don't
- Proper interview questions
- Improper interview questions

RECORD KEEPING REQUIRMENTS

Applications

Payroll records

Personnel files

Does it go in or not?

- Late arrivals
- Warning for poor performance
- Medical notes/records
- HIPPA

Who can access?

CONTACTS

EEO Complaints: Katy

Job Assignment/Failure to Hire: EEO Coordinator

EXHIBIT D

RECORD KEEPING POLICY AND PROCEDURES

It is our policy to create and maintain employment records in compliance with Title VII § 709(c), 42 U.S.C. 2000e-8 and 29 C.F.R. 1602.14 and the terms of the Consent Decree in Civil Action No. 09 CV 3584 (E.D.N.Y.). This includes the creation and maintenance of records relevant to the determination of unlawful employment practices.

All applications submitted for employment at Dynasty VI Food Corp.; Dynasty Meat Corp. and/or 50-18 Meat Corp. shall be maintained in the office located at 50-18 Skillman Avenue Woodside New York, 11377 (“Skillman Avenue office”).¹

All applications submitted for employment at Dynasty VI Food Corp.; Dynasty Meat Corp. and/or 50-18 Meat Corp. shall be maintained in separate folders in chronological date order organized by corporate name or store location at the Skillman Avenue office for an initial consideration period of ninety (90) days.

Thereafter, all applications will be stored in separate boxes for each of the above corporate entities organized by year at the Skillman Avenue office and/or at a bone fide storage facility which shall provide prompt access for the retrieval of records.

Applications for employment will be kept in storage for the period of one (1) year from the date the application was submitted or for the length of time required to comply with the Consent Decree.

Further, for each stocker position filled by Dynasty VI Food Corp.; Dynasty Meat Corp. and/or 50-18 Meat Corp during the time the Consent Decree is in effect, a separate folder shall be maintained with all applicants interviewed for the position along with any notes from the interview process.

¹ Or any subsequent office maintained by the corporate entities

All weekly, quarterly and year end payroll reports for Dynasty VI Food Corp.; Dynasty Meat Corp. and/or 50-18 Meat Corp. received from their payroll vendor shall be maintained in paper form; in chronological date order organized in separate folders by corporate name; or, store location at the Skillman Avenue office and/or, at a bone fide storage facility which shall provide prompt access for the retrieval of records for the period of one (1) year or for the length of time required to comply with the Consent Decree, whichever is greater.

Further, any payroll vendor utilized by Dynasty VI Food Corp.; Dynasty Meat Corp. and/or 50-18 Meat Corp. shall have the capability of maintaining weekly, quarterly and year end payroll reports in electronic form for the period of time required for complying with the Consent Decree.

Any questions regarding this policy, during the time the Consent Decree is in effect, should be directed to Equal Employment Officer Maurizio Savoiodaro at 516 741 7676 x 322.

EXHIBIT E

MEMORANDUM

DATED: _____

TO: ALL EMPLOYEES

FROM: MUFEED SIAD

I would like to take this opportunity to personally advise each of you that we value our employees and to thank you for the daily efforts that each of you make in the performance of your job duties that make us a successful company.

It is our goal to create a pleasant work atmosphere for all of our employees. In this regard, it is important that all of us follow the golden rule and treat our fellow co-workers in a respectful manner that you yourself wish to be treated.

Federal law prohibits discrimination against an employee or applicant for employment based on their sex, race, religion, color, national origin, age, genetic information or disability status. Federal law also does not permit retaliation against people who have complained of or opposed discriminatory practices.

As part of our continuing effort and commitment to abide by all federal laws prohibiting discrimination and segregation of jobs in the work place based upon gender and to maintain appropriate records I would like to announce that we have retained an Equal Opportunity Officer. Our Equal Opportunity office is Maurizio Savoardo. He may be reached at 516 741 7676 x 322.

To assist us in achieving our goals of maintaining a work environment free from discrimination Mr. Savoiardo will be conducting training seminars for all our employees and managers. The purpose of the seminars will be to educate, inform and train our employees and managers in the applicable laws that govern workplace behavior and the policies and procedures that we have adopted to achieve our goals in this regard.

As part of our commitment to educate and inform all of our employees and managers of the laws that govern the work place and prohibit discrimination and job segregation attached please find our Equal Opportunity policy.

If you have any questions concerning our Equal Opportunity policy please do not hesitate to ask me.

Sincerely,

Mufeed Siad

EXHIBIT F



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF LAWSUIT AND SETTLEMENT TO ALL EMPLOYEES

This Notice is posted as part of a Consent Decree entered in settlement of *U.S. Equal Employment Opportunity Commission (EEOC) v. Dynasty VI Food Corp., Dynasty Meat Corp. and 50-18 Meat Corp. d/b/a Key Foods Supermarkets*, Civil Action No. 09 CV 3584 (RJD)(MJM) filed in the United States District Court for the Eastern District of New York.

EEOC brought a lawsuit alleging that the supermarkets violated Title VII of the Civil Rights Act of 1964 by unlawfully excluding women from stocker positions in the Grocery, Produce, Freezer, Dairy, Bakery, and Deli departments, refusing to hire women for those positions, and segregating women into cashier positions.

Federal law prohibits discrimination against an employee or applicant for employment based on their sex, race, religion, color, national origin, age, genetic information or disability status. Federal law also does not permit retaliation against people who have complained of or opposed discriminatory practices.

If you have a complaint of discrimination and/or harassment you may contact:

Katy Kaloudis at (718) 651 9720

If you have a complaint of discriminatory job assignment because of your sex you may contact:

Equal Employment Officer Maurizio Savoardo at 516 741 7676 x322

or

U.S. Equal Employment Opportunity Commission
33 Whitehall Street
New York, New York, 10004

Phone:	800.699.4000
TTY (for hearing impaired)	800.699.6820
Email:	info@ask.eeoc.gov
Website:	www.eeoc.gov

Dated: September , 2011

This is an official Notice and must remain posted for three years from the date shown above and must not be altered, defaced, or covered by any other material.